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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS  
ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

This document relates to:

Case No. 3:13-cv-05370-RS

Hewlett-Packard Company,  
Plaintiff,

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING AMENDED  
COMPLAINT OF HP INC.**

v.

Hon. Richard Seeborg

Toshiba Corporation, et al.,  
Defendants.

1 Plaintiff HP Inc. (“HP”) and Defendants Hitachi-LG Data Storage, Inc., Hitachi-LG Data  
 2 Storage Korea, Inc., LG Electronics, Inc., LG Electronics USA, Inc., Quanta Storage, Inc.,  
 3 Quanta Storage America, Inc., Toshiba Corporation, Toshiba Samsung Storage Technology  
 4 Corp., Toshiba Samsung Storage Technology Korea Corp., Toshiba America Information  
 5 Systems Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., NEC  
 6 Corporation, Sony Corporation, Sony Optiarc America, Inc., Sony Optiarc, Inc., and Sony  
 7 Electronics Inc. (collectively, “Defendants”) by and through undersigned counsel, stipulate and  
 8 agree to the below:

9 WHEREAS, HP filed Complaints against Defendants on October 24, 2013, in the  
 10 Southern District of Texas, Houston Division (the “Complaints”), which actions were transferred  
 11 to the Northern District of California, San Francisco Division, on November 15, 2013. *See* Case  
 12 No. 3:13-CV-05370-RS (N.D. Cal), Dkt. Nos. 1, 8; *see also* Case No. 3:13-CV-05371-RS (N.D.  
 13 Cal), Dkt. Nos. 1, 8.

14 WHEREAS, HP filed First Amended Complaints against Defendants on May 8, 2014 (the  
 15 “First Amended Complaints”). *See* Case No. 3:13-CV-05370-RS (N.D. Cal), Dkt. No. 26; *see*  
 16 *also* Case No. 3:13-CV-05371-RS (N.D. Cal), Dkt. No. 29.

17 WHEREAS, HP’s actions were consolidated into a single action under Case Number  
 18 3:13-CV-05370-RS (the “Consolidated Action”) on January 4, 2016. *See* Case No. 3:13-CV-  
 19 05370-RS (N.D. Cal), Dkt. No. 76; *see also* Case No. 3:13-CV-05371-RS (N.D. Cal), Dkt. No.  
 20 64.

21 WHEREAS, HP has proposed to amend its First Amended Complaint in the Consolidated  
 22 Action and provided Defendants with its proposed Second Amended Complaint, and Defendants  
 23 consent to such amendment;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned  
 25 counsel for HP and Defendants as follows:

- 26 1. HP is granted leave to amend pursuant to Fed. R. Civ. P. 15(a)(2). HP’s Second  
 27 Amended Complaint shall be filed within five (5) days after entry of this stipulation  
 28 and order by the Court;

1           2.       HP's Second Amended Complaint shall relate back for all purposes to HP's  
2 Complaints filed on October 24, 2013;

3           3.       Defendants' answers shall be due 45 days from HP's filing of its Second Amended  
4 Complaint;

5           4.       Defendants need answer only paragraphs 1, 44-49, 56-64, 135, 140, 156-162, 209,  
6 and 219 of HP's Second Amended Complaint; and

7           5.       This Stipulation and [Proposed] Order does not constitute a waiver by Defendants  
8 of any defenses to HP's claims.

**IT IS SO STIPULATED.**

Dated: January 19, 2017

**CROWELL & MORING LLP**

By: /s/ Beatrice B. Nguyen

Beatrice B. Nguyen  
Michael J. Songer  
Matthew J. McBurney

*Attorneys for Plaintiff HP Inc.*

Dated: January 19, 2017

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1 Dated: January 19, 2017

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18 *Inc.*

19 Dated: January 19, 2017

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1 Dated: January 19, 2017

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14 *Toshiba Corporation; Toshiba Samsung*  
15 *Storage Technology Corp.; Toshiba Samsung*  
16 *Storage Technology Korea Corp.; and Toshiba*  
17 *America Information Systems, Inc.*

18 Dated: January 19, 2017

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1 Dated: January 19, 2017

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27 *Sony Corporation; Sony Optiarc America, Inc.;*  
28 *Sony Optiarc, Inc.; and Sony Electronics Inc.*

**FILER ATTESTATION**

Pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: January 19, 2017

/s/ Beatrice B. Nguyen

Beatrice B. Nguyen

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 2/15, 2017



Hon. Richard Seeborg  
United States District Judge